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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,718	03/23/2004	Michael Joist	1689.007US1	2652

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EXAMINER

HARVEY, JAMES R

ART UNIT PAPER NUMBER

2833

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

EX

## Office Action Summary

Application No.

10/806,718

Applicant(s)

JOIST, MICHAEL

Examiner

James R. Harvey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.  
4a) Of the above claim(s) 5 is/are withdrawn from consideration.  
5) ☐ Claim(s) 7 and 8 and 9 is/are allowed.  
6) ☒ Claim(s) 1-4 and 6 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

***DETAILED ACTION***

***Claim Objections***

- The following claim(s) is/are objected to because of the noted informalities:

In reference to the new recitation claiming the control lever “having an L-shape form” is confusing. It is not clear if this is attempt to require the lever to be purely an L-shape or if it requires some type of profile within the control lever that could be considered to be in the shape of the letter L. The latter is only seen to be disclosed in applicant’s drawings. For purpose of examination, the latter is seen to be more consistent with applicant’s disclosure. An examination, as best understood, is addressed below.

-- Appropriate response to the above is required.

***Claim Rejections - 35 USC § 102***

- The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

***Claim Rejections - 35 USC § 103***

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- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

### ***Claim Examination***

\*\* Claim(s) 1-4 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Stathopoulos et al. (6494729).

-- In reference to Claim(s) 1, Stathopoulos shows (see examiner's figure)

a circuit board;

a switch for active-passive switching of the plug-in module; and

a swivel-mounted lever/pull handle (see examiner's figure) with located in a frontal area of the plug-in module, the lever/pull handle including a gripper arm which is an integral part of the lever/pull handle; and

a control lever (see examiner's figure) that contains a profile in the shape of an L is rotatably connected to the gripper arm (see examiner's figure) of the lever/pull handle, wherein the control lever includes a stepping pawl (see examiner's figure) to operate the switch when the plug-in module is completely inserted.

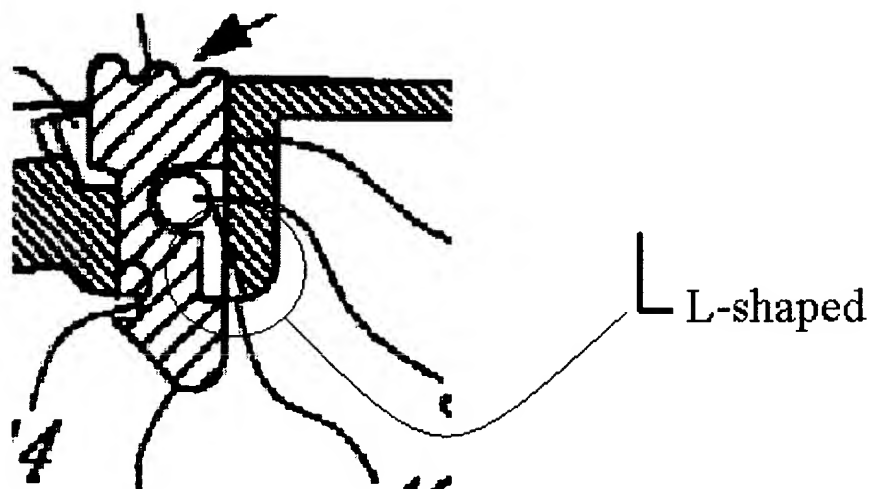
-- In reference to Claim(s) 2, Stathopoulos shows (cover sheet) the stepping pawl of the control lever has a locking nose 40 (cover sheet) that can be locked behind a locking edge ( near the lead line of numeral 50 (cover sheet) ) in the front area of the plug-in module.

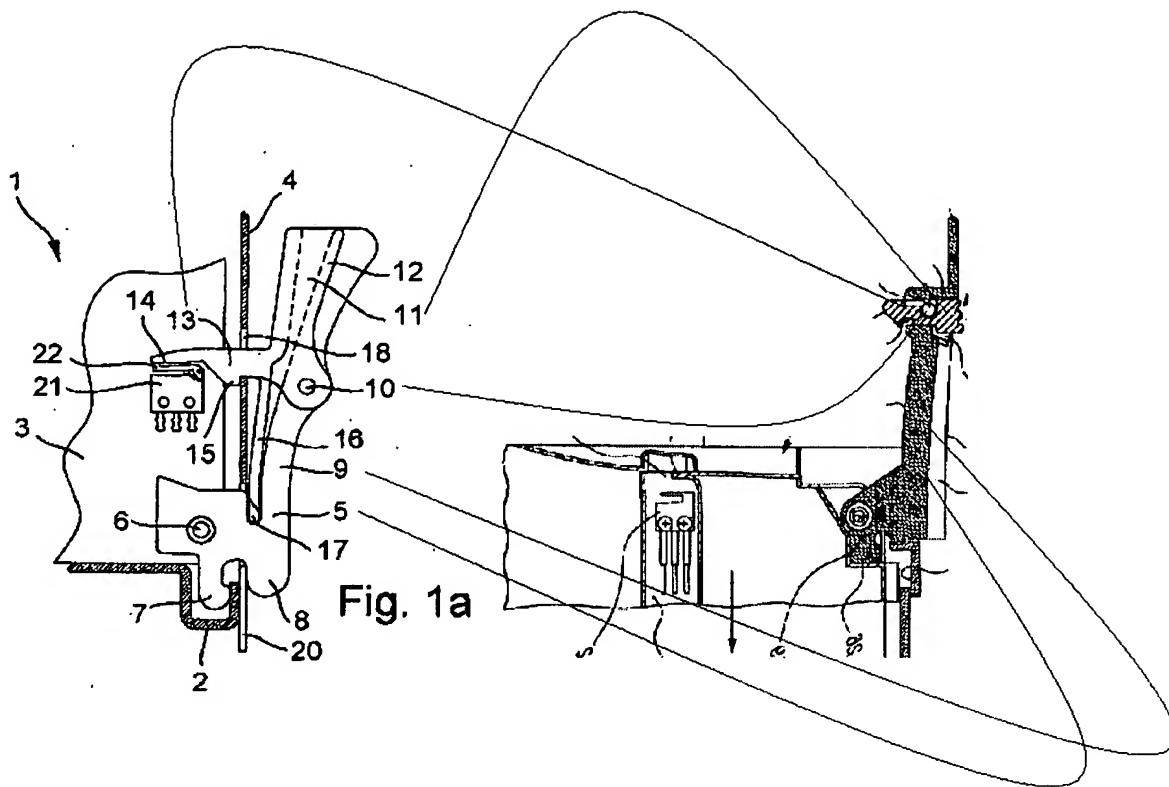
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-- In reference to Claim(s) 3, Stathopoulos shows (cover sheet) a front plate (see examiner's figure) with a void, which forms the locking edge (near the lead line of numeral 32 (cover sheet) ) and through which the stepping pawl reaches.

-- In reference to Claim(s) 4, Stathopoulos shows (cover sheet) the stepping pawl has a switching area 40 at its free end that effects the switch.

-- In reference to Claim(s) 6, Stathopoulos shows (cover sheet) the switch is designed as an electrical switch.





\*\* Claim(s) 1, 4 and 6 are rejected under 35 U.S.C. 1023(a) as being obvious over Han et al. (5989043).

-- In reference to Claim(s) 1, Han shows (cover sheet)

a circuit board 123;

a switch 121 for active-passive switching of the plug-in module; and

a swivel-mounted lever/pull handle 150 with a gripper arm 140 ( 140 is seen to be an arm that grips panel 100 ) located in a frontal area of the plug-in module 100 the lever/pull handle including a gripper arm which is an integral part of the lever/pull handle; and

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a control lever (see examiner's figure) which is rotatably connected to the gripper arm 140 of the lever/pull handle 150, wherein the control lever 170 includes a stepping pawl 174 to operate the switch 121 when the plug-in module is completely inserted.

However, Han does not show an L-shape.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to choose such a shape, since such a modification would have involved a mere change in the size or shape of a component. A change in size or shape is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 and (CCPA 1955), In re Dailey, 149 USPQ 47 (CCPA 1976).

One skilled in the art would have been motivated to choose such a shape, since it would work equally well regardless of the position or shape and one skill in the art would have been able to select the shaped based on aesthetic/environmental requirements/preference.

-- In reference to Claim(s) 4, Han shows (cover sheet) the stepping pawl 174 has a switching area (the nesting area; figure 7b ) at its free end that effects the switch 121.

-- In reference to Claim(s) 6, Han shows (cover sheet) the switch 121 is designed as an electrical switch.

### ***Response to Arguments***

-- In response to applicant's assertion that neither reference shows an L-shape within the control lever, the examiner disagrees. Stathopoulos is seen to show a shape the is in the form of the letter L in the control lever 30. Further, with regard to Han, a change in shape is seen to be well within the level of one skilled in the art.

### *Allowed Claims*

- Claim(s) 7, 8 and 9 are allowed for reasons discussed in the office action dated 5-18-06 and repeated herein for the convenience of the reader.
- The following is a statement of reasons for the indication of allowable subject matter: The prior art does not show the unique structure of the control lever has an operating arm that is U-shaped in cross-section, between whose U-legs the gripping arm of the swivel-mounted lever/pull handle can be swiveled (claims 7 and 8) and, in reference to Claim(s) 9, the prior art does not show a spring tongue is coupled to the control lever and the swivel-mounted lever/pull handle has a groove into which the spring tongue 19 grips.
- This structure, in combination with all the other elements of the claim is not seen to be anticipated by the prior art and the examiner knows of no permissible motivation to combine the prior art such that the subject matter as a whole would have been obvious at the time the invention was made.
- If the application becomes allowable, any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowable Subject Matter".

### *Conclusion*

- This application contains claim 5 drawn to an species nonelected with traverse in Papers dated 4-11-05. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.



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- Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

- Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Harvey whose telephone number is 571-272-2007. The examiner can normally be reached on 8:00 A.M. To 5:00 P.M.

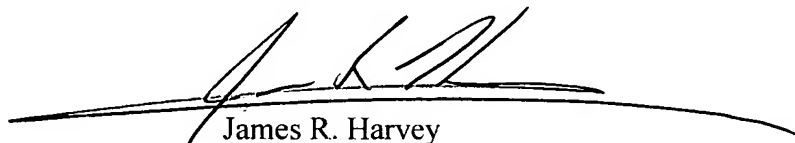
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800 extension 33.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2800.

- Applicant is encouraged to send correspondence through the central fax at 571-273-8300.
- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jrh

November 12, 2006



James R. Harvey  
Primary Examiner